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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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JUL 26 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	
FM Broadcast Stations)	
)	
(Grand View, Idaho))	MM Docket No. 99-204
)	RM-9623
)	
(Kimberly, Idaho))	MM Docket No. 99-206
)	RM-9625
)	
(Kuna, Idaho))	MM Docket No. 99-207
)	RM-9626
)	
(Melba, Idaho))	MM Docket No. 99-208
)	RM-9627

Directed to: Chief, Allocations Branch

COMMENTS OF FM IDAHO CO.

FM Idaho Co., by its attorneys,¹ hereby submits its comments on the Notice of Proposed Rule Making ("NPRM"), DA 99-1088, released in this proceeding on June 4, 1999. These comments pertain to the proposals of Mountain West Broadcasting ("Mountain West") to allot new FM stations to Grand View, Kuna and Melba, Idaho.

The transmitter sites proposed by Mountain West for Grand View, Kuna, and Melba, Idaho, are not available or suitable. Site selection for all three of these allocations is critical because each

¹FM Idaho Co. is the licensee of the following Idaho radio stations: KTFI(AM), Twin Falls; KMHI(AM) and KTPZ(FM), Mountain Home; KMXM(FM), Gooding and KIKX(FM), Ketchum.

of the proposed allotments is site restricted, as shown in the NPRM. Specifically, the transmitter sites specified in the NPRM for Grand View, Kuna, and Melba are all on land owned by the U.S. government under the jurisdiction of the Bureau of Land Management (BLM). Attached as Exhibit 1 hereto is a letter from the BLM indicating that none of the proposed transmitter sites for these communities is available or suitable for the establishment of a radio station. Unless Mountain West can demonstrate that there are suitable alternate transmitter sites for each of these communities, the allotment proposals for Grand View, Kuna, and Melba should be denied.² See, e.g., Amelia, Louisiana, 12 FCC Rcd 13930, 13931 (Allocations Branch 1997) (denied proposed allotment where proposed transmitter site was located in a swampland and no fully-spaced sites were available); Moncks Corner, Kiawah Island, and Sampit, North Carolina, 11 FCC Rcd 8630, 8636 (Allocations Branch 1996) (denied proposed upgrade where proposed transmitter site was in a marshy area in close proximity to an airport, and no suitable or available transmitter sites existed); Sebring and Miami, Florida, 10 FCC Rcd 6577, 6578 (Allocations Branch 1995) (denied proposed allotment where no satisfactory transmitter sites were available that would meet applicable FAA criteria and the FCC's spacing requirements).

² Mountain West's proposed transmitter site for Kimberly, Idaho, also is not available. The petitioner's proposed site for Kimberly is located on property which is owned by Peter Link, a local resident. Mr. Link has advised FM Idaho Co. that Victor Michael, Mountain West's principal, has not contacted him regarding the use of his land as a transmitter site for a radio station. If he is contacted, Mr. Link indicated that he would refuse to permit such a facility to be located on his property. FM Idaho Co. intends to supplement these comments with a declaration from Mr. Link as soon as it is able to contact him.

WHEREFORE, these matters considered, it is respectfully requested that the Commission deny the requests of Mountain West Broadcasting to allot new FM facilities to Grand View, Kuna and Melba, Idaho.

Respectfully submitted,

FM IDAHO CO.

By: 

Harry C. Martin

Andrew S. Kersting

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 N. 17th Street, 11th Floor
Arlington, VA 22209
(703) 812-0400

Its Attorneys

July 26, 1999

EXHIBIT 1

Letter From Bureau of Land Management,
Dated July 23, 1999



BUREAU OF LAND MANAGEMENT

**Lower Snake River District
Boise Field Office
3948 Development Avenue
Boise, Idaho 83705-5389**

In Reply Refer To:

2000

July 23, 1999

Harry C. Martin, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 N. 17th Street, 11th Floor
Arlington, VA 22209

Dear Mr. Martin:

This letter is in response to your request for information regarding communication sites on the public lands. The areas you asked about specifically are:

Boise Meridian, Idaho
T. 3 S., R. 4 W.,
section 25: NW $\frac{1}{4}$ NE $\frac{1}{4}$;
T. 4 S., R. 6 W.,
section 13: NW $\frac{1}{4}$ NW $\frac{1}{4}$;
T. 6 S., R. 3 E.,
section 15: SW $\frac{1}{4}$ SW $\frac{1}{4}$;

As shown on the attached maps.

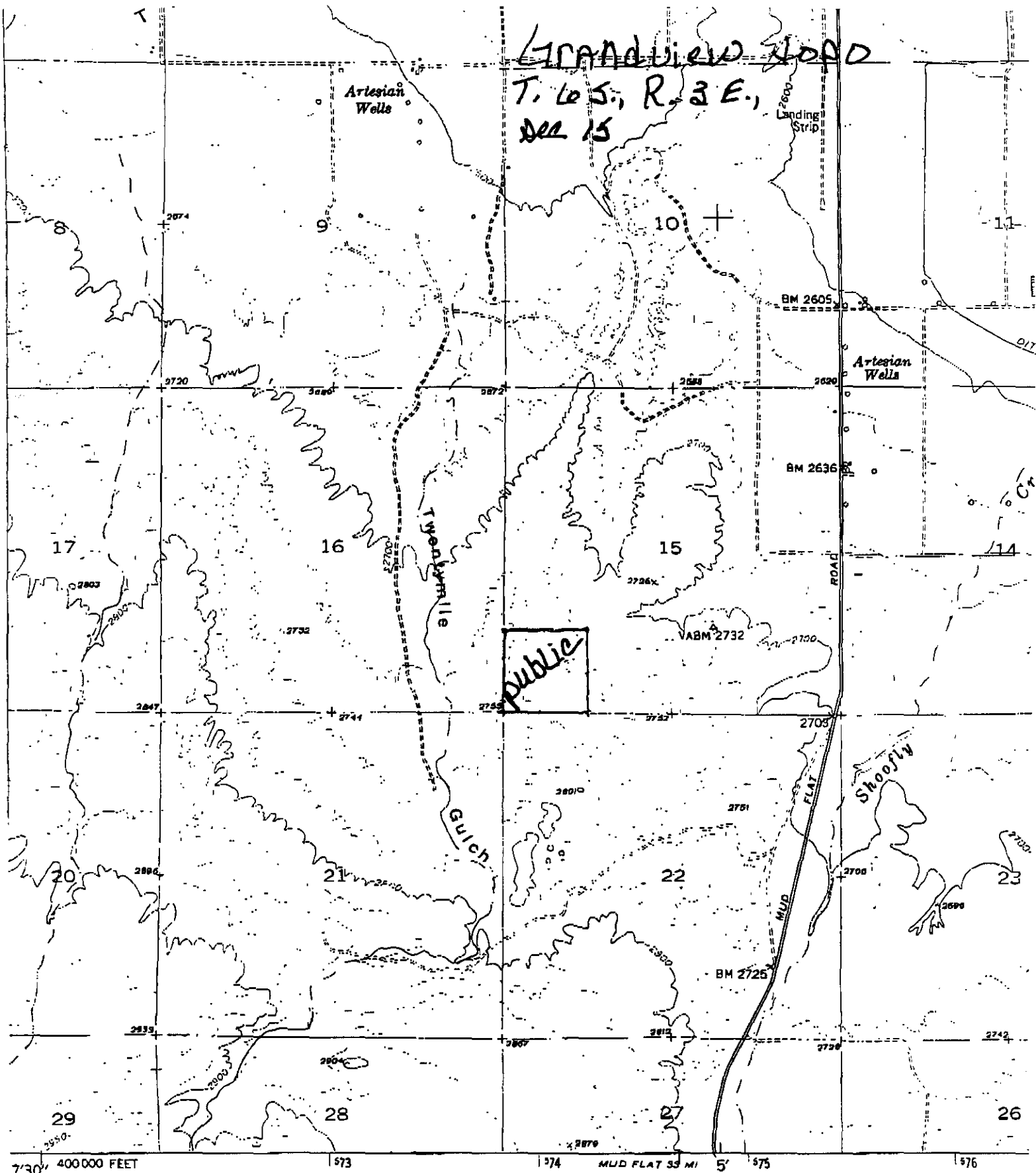
As of this date the BLM has issued no authorizations nor have we received any applications for communication sites on the sites listed above. There is no electrical power to any of these sites, and the cost of providing power would be prohibitive. If an application were submitted to this office requesting a communication site on any of these public land parcels, environmental studies and clearances would be required before any decision could be made as to the suitability of a communication site being built. Without these studies, none of these public land parcels will be designated as suitable for future use as a communication site.

The lands surrounding these sites are a mix of State, private and public, with the public lands being predominant.

If you have any further questions regarding this matter, please contact Kelley Moore at (208) 384-3452.

Sincerely,

Kelley Moore
Owyhee Area Realty Specialist



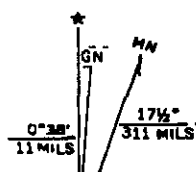
mapped, edited, and published by the Geological Survey

Control by USGS and USC & GS

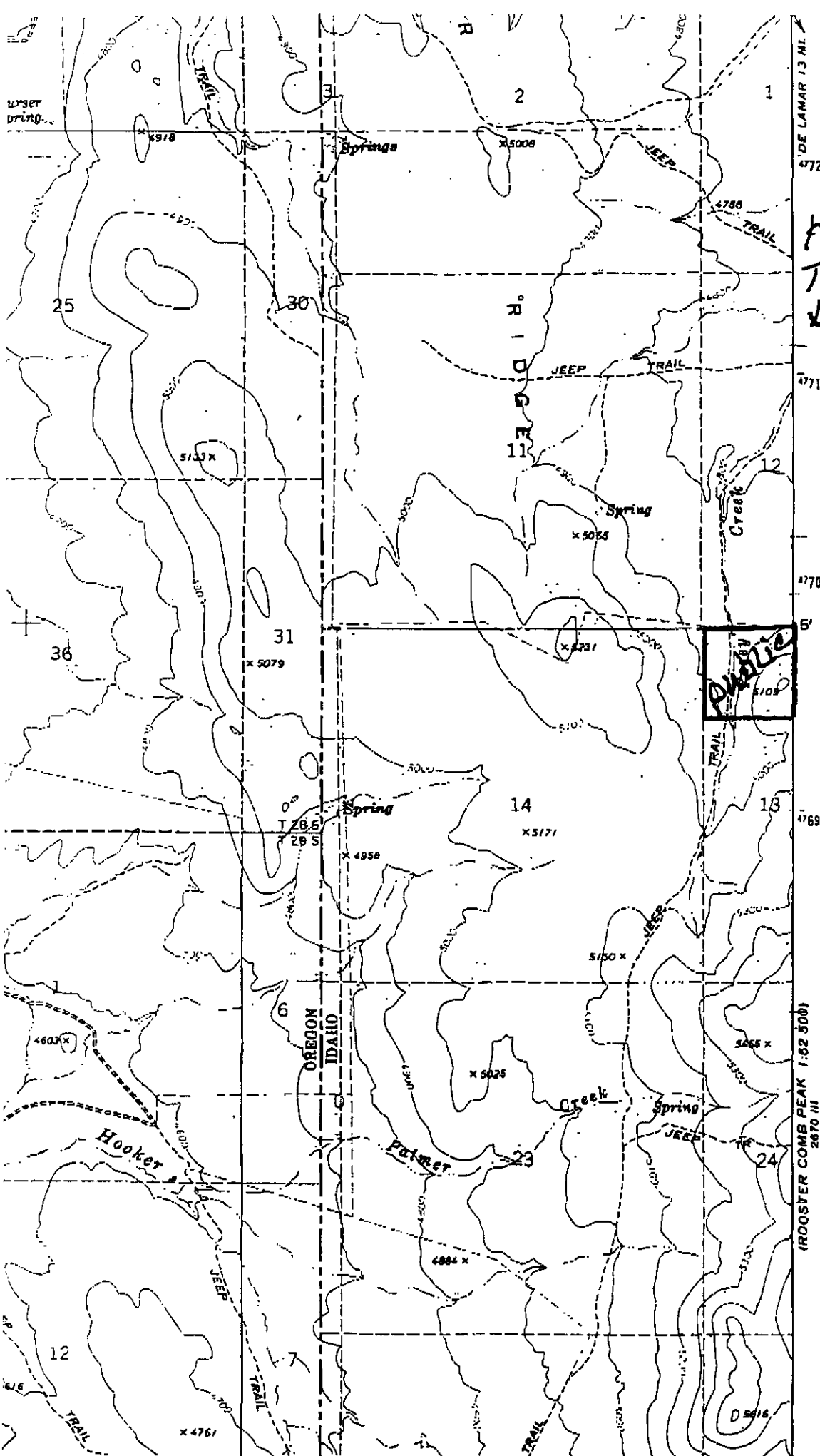
Culture and drainage in part compiled from
aerial photographs taken 1946

Topography by plane-table methods 1946-1947

Polyconic projection. 1927 North American datum
10000 foot grid based on Idaho coordinate system,
West zone

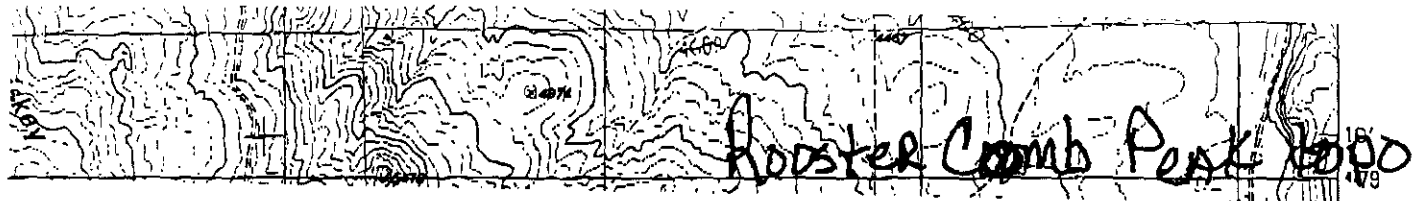


CONTOUR



Hooker Creek topo
T. 4 S., R. 6 W.,
Sec 13

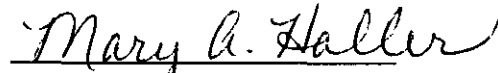
(ROOSTER COMB PEAK 1:62 506)
2670 M



CERTIFICATE OF SERVICE

I, Mary A. Haller, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that true copies of the foregoing "Comments of FM Idaho Co." were sent this 26th day of July, 1999, by United States mail, postage prepaid, to the following:

Mr. Victor A. Michael, Jr.
President
Mountain West Broadcasting
6807 Foxglove Drive
Cheyenne, WY 82009


Mary A. Haller